



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

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Details of Filing

File Number: S43/2022
File Title: Kingdom of Spain v. Infrastructure Services Luxembourg S.
Registry: Sydney
Document filed: Form 27B - Appellant's chronology
Filing party: Appellant
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Important Information

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IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

ON APPEAL FROM THE FULL COURT OF THE FEDERAL COURT OF
AUSTRALIA

BETWEEN:

Kingdom of Spain

Appellant

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and

Infrastructure Services Luxembourg S.a.r.l

First Respondent

Energia Termosolar B.V

Second Respondent

APPELLANT'S CHRONOLOGY

20 **Part I:**

1. This chronology is in a form suitable for publication on the internet.

Part II:

Key:

2. Reasons for judgment of Stewart J (**PJ**)
3. Reasons for judgment of the Full Court (**FFC**)
4. Core Appeal Book (**CAB**)
5. Appellants' Book of Further Materials (**AFM**)

No.	Date	Event	Source/ Reference
1.	17 December 1994	The appellant signs the Energy Charter Treaty.	PJ[12], FFC[11], CAB 16, 77
2.	16 April 1998	The Energy Charter Treaty enters into force.	PJ[12], CAB 16
3.	25 May 2007	The appellant adopts legislation known as "RD 661/2007" that aims to establish a stable subsidy system that guarantees profitability for electricity production from solar power and other renewable resources. This was part of a larger legislative scheme between 1997 to 2011 to encourage investment into Spain's renewable energy sector.	PJ[9], CAB 16
4.	30 June 2011	The respondents invest approximately €139.5 million into Spain's renewable energy sector by acquiring a shareholding in two operational concentrated solar power plants located in the south of Spain.	PJ[25], FFC[11], CAB 19, 77
5.	2012-2014	The appellant adopts a series of laws reducing and eventually revoking the financial incentives previously afforded to investors.	PJ[11], CAB 16
6.	22 November 2013	The respondents commence ICSID arbitration proceedings against the appellant (ICSID case number ARB/13/31).	PJ[27], CAB 19
7.	October 2016	The duly constituted three-member arbitral tribunal conducts the hearing on jurisdiction and the merits in Paris, France.	PJ[27], CAB 19

No.	Date	Event	Source/ Reference
8.	6 March 2018	The Court of Justice of the European Union delivers judgment in <i>Slovak Republic v Achmea BV</i> [2018] 4 WLR 87	
9.	15 June 2018	Arbitral award is issued in favour of the respondents.	PJ[27], CAB 19
10.	25 July 2018	The appellant applies to the ICSID Committee for the rectification of the award on the basis that the tribunal made a clerical error in the computation of the compensation payable.	PJ[30], CAB 20
11.	29 January 2019	Decision on rectification of the award is issued, rectifying the award by correcting a clerical error.	PJ[31], CAB 20
12.	23 April 2019	The respondents commence proceedings in the Federal Court against the appellant.	AFB 4-8
13.	May 2019	The ICSID Committee issues a provisional stay of the enforcement of the arbitral award.	PJ[32], CAB 20
14.	6 June 2019	The appellant files a conditional appearance pursuant to the primary judge's orders at the first case management hearing on 23 May 2019.	AFB 9-10
15.	1 August 2019	The primary judge orders that the proceedings be stayed.	PJ[32], CAB 20
16.	21 October 2019	The ICSID Committee discontinues the stay of the enforcement of the arbitral award.	PJ[33], CAB 20
17.	25 October 2019	The primary judge lifts the stay in proceedings.	PJ[34], CAB 21

No.	Date	Event	Source/ Reference
18.	29 October 2019	Hearing before the primary judge.	CAB 9
19.	19 February 2020	The UK Supreme Court delivers judgment in <i>Micula v Romania</i> [2020] 1 WLR 1033.	
20.	24 February 2020	Primary judge delivers judgment.	CAB 5-62
21.	20 March 2020	The appellant appeals the primary judge's decision to the Full Court.	CAB 65-69
22.	12 November 2020	Hearing before the Full Court.	CAB 72
23.	1 February 2021	The Full Court delivers judgment and adjourns the appeal for further arguments on the form of the orders.	CAB 70-106
24.	25 May 2021	Hearing before the Full Court.	CAB 110
25.	25 June 2021	The Full Court delivers judgment	CAB 109-123
26.	23 July 2021	The appellant filed an application for Special Leave to appeal with the High Court of Australia seeking leave to appeal from the Full Court judgment.	
27.	30 July 2021	The ICSID Committee publishes its decision on annulment in favour of the respondents.	
28.	2 September 2021	The Court of Justice of the European Union delivers judgment in <i>Republic of Moldova v Komstroy LLC</i> [2021] 4 WLR 132.	
29.	18 March 2022	The High Court of Australia grants special leave to appeal.	CAB 133-134

No.	Date	Event	Source/ Reference
30.	1 April 2022	The appellant files and serves the Notice of Appeal.	CAB 135-137

Dated 6 May 2022



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